APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,316	10/17/2003	Fredrick J. Landram	TELN . P0200US	8879

7590   08/05/2008

Cynthia S. Murphy
Renner, Otto, Boisselle & Sklar, LLP
Nineteenth Floor
1621 Euclid Avenue
Cleveland, OH 44115-2191

EXAMINER
BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
2141	

MAIL DATE	DELIVERY MODE
08/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/688,316	LANDRAM ET AL.
	Examiner	Art Unit	
	DJENANE M. BAYARD	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 April 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This is in response to communication filed on 4/24/08 in which claims 1-33 are pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 9-10, 14-16, 18-20, 23-29 and 33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,529727 to Findikli et al in view of U.S. Patent No. 5956636

to Lipsit.

a.   As per claim 9, Findikli et al teaches maintaining configuration data on a server coupled

to a network, the method comprising the steps of: storing in memory on the server different

configuration data for a plurality of different mobile devices (See col. 4, lines 11-18), wherein

each mobile device is operable to maintain a communication link as the mobile device roams

between communication cells (See col. 3, lines 33-35); the server receiving, via the network,

requests for the different configuration data from the different mobile devices respectively (See

col. 2, lines 1-17) ; and the server providing, via the network, the different configuration data to

the different mobile devices, respectively (See col. 6, lines 1-40). However, Findikli et al fails to

teach said configuration data defining a user specified operational characteristic of each of the

plurality of mobile devices.

        Lipsit teaches wherein configuration data defining a user specified operational

characteristic of each of the plurality of mobile devices (See col. 4, lines 50-65, col. 8, lines 40-

63).

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Lipsit in the claimed invention of Findikli et al in order

to provide automatic activation of a wireless device in a subscription activation system (See page

1, lines 57-59)

b.   As per claim 14, Findikli et al teaches a self configuring mobile device, comprising: a

discovery module for discovering device specific information on a wireless computer network

(See col. 4, lines 26-40); a communication module for transmitting data to and receiving data

from the wireless computer network, wherein the communications module obtains device

specific information from the discovery module to establish a communications link to at least

one device (See col. 5, lines 49-67 and col. 6, lines 1-40); an update module operatively coupled

to the communications module for querying the at least one device to obtain a configuration

update (See col. 6, lines 1-40) ; and a configuration module for configuring the mobile device,

wherein the configuration module implements the configuration update to configure the mobile

device to a custom configuration (See col. 6, lines 1-55) wherein the mobile device is operable to

maintain a communication link as the mobile device roams between communication cells (See

col. 3, lines 33-35). However, Findikli et al fails to teach wherein the configuration defines a

user specified operational characteristic of the mobile device.

        Lipsit teaches wherein the configuration defines user specified operational characteristics

of the mobile device (See col. 4, lines 50-65 and col. 8, lines 40-63).

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Lipsit in the claimed invention of Findikli et al in order

to provide automatic activation of a wireless device in a subscription activation system (See page

1, lines 57-59).

c.   As per claim 10, Findikli et al in view of Lipsit teaches the clamed invention as described
above. Furthermore, Findikli et al wherein the step of maintaining configuration data for a
plurality of mobile devices includes the steps of: storing in memory on the server an
identification code for uniquely identifying each mobile device; wherein the configuration data
corresponds to the identification code (See col. 2, lines 60-67).

d.   As per claim 15, Findikli et al in view of Lipsit teaches the clamed invention as described
above. Furthermore, Findikli et al teaches a user input module for entering data corresponding to
the configuration of the mobile device (See col. 3, lines 40-46)

e.   As per claim 16, Findikli et al in view of Lipsit teaches the clamed invention as described
above. Furthermore, Findikli et al teaches wherein the user input module is a keypad. (See col.
3, lines 40-46).

f.   As per claim 18, Findikli et al teaches the clamed invention as described above.
Furthermore, Findikli et al teaches wherein the self configuring mobile device initially is
configured in a generic state (See col. 2, lines 18-32).

g.   As per claim 19, Findikli et al in view of Lipsit teaches the clamed invention as described
above. However, Findikli et al fails to teach at least one system backbone; at least one host
computer coupled to the system backbone; a wireless remote station coupled to the at least one
system backbone; and the self configuring mobile device of claim 14, wherein the self

configuring mobile device and the at least one host computer are operatively configured to wirelessly communicate configuration information there between, and the self configuring mobile device changes a first configuration setting to a second configuration based on a plurality of configuration data received from the at least one host computer, said second configuration setting being specific to a particular environment.

Lipsit teaches fails to teach at least one system backbone; at least one host computer coupled to the system backbone; a wireless remote station coupled to the at least one system backbone; and the self configuring mobile device of claim 14, wherein the self configuring mobile device and the at least one host computer are operatively configured to wirelessly communicate configuration information there between, and the self configuring mobile device changes a first configuration setting to a second configuration based on a plurality of configuration data received from the at least one host computer, said second configuration setting being specific to a particular environment (See col. 4, 9-65).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Lipsit in the claimed invention of Findikli et al in order to provide automatic activation of a wireless device in a subscription activation system (See page 1, lines 57-59).

h.   As per claim 20, Findikli et al in view of Lipsit teaches the clamed invention as described above. Furthermore, Findikli et al teaches a local station coupled to the at least one system backbone and to at least one remote communication link, wherein the wireless remote station is

coupled to the at least one system backbone through the remote communication link and the local station (See col. 4, lines 11-25).

i.   As per claim 23, Findikli et al in view of Lipsit teaches the clamed invention as described above. Furthermore, Findikli et al teaches wherein the local station and the wireless remote station are routers (See col. 4, lines 11-25).

j.   As per claim 24, Findikli et al in view of Lipsit teaches the clamed invention as described above. Furthermore, Findikli et al teaches wherein the environment is a computer network (See col. 1, lines 22-32).

k.   As per claim 25, Findikli et al in view of Lipsit teaches the clamed invention as described above. Furthermore, Findikli et al teaches wherein the environment is a computer management system for managing business operations (See col. 1, lines 22-32).

l.   As per claim 26, Findikli et al in view of Lipsit teaches the clamed invention as described above. Furthermore, Findikli et al teaches wherein the at least one host computer includes a memory and a database stored in the memory (See col. 6, lines 15-40).

m.   As per claim 27, Findikli et al in view of Lipsit teaches the clamed invention as described above. Furthermore, Findikli et al teaches wherein the database comprises: an identification entry for uniquely identifying each self configuring mobile device in the system; and a

configuration entry for specifying the configuration of the self configuring mobile device,

wherein the configuration entry corresponds to the identification entry (See col. 6, lines 1-40).

n.   As per claim 28, Findikli et al in view of Lipsit teaches the clamed invention as described

above. Furthermore, Findikli et al teaches wherein the identification entry is a device serial

number (See col. 2, lines 18-20).

o.   As per claim 29, Findikli et al in view of Lipsit teaches the clamed invention as described

above. Furthermore, Findikli et al teaches wherein the database further comprises a registration

data entry and a device capabilities entry (See col. 6, lines 1-40).

p.   As per claim 33, Findikli et al in view of Lipsit wherein the configuration data

determines at least one of applications loaded on the mobile device, configuration of

applications on the mobile device, access to different types of data, or functionality of the

mobile device (See col. 4, lines 26-42).

6.   Claims 1-3, 7-8, 30- 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,529727 to Findikli et al in view of U.S. Patent No. 7,133695 to Beyda and

further in view of U.S. Patent No. 5,956636 to Lipsit.

a.   As per claim 1, Findikli et al a method of transacting business in conjunction with a sale

of mobile devices, the method comprising the steps of: shipping at least a first mobile device to a

first end user and at least a second mobile device to a second end user different from the first end

user, the first mobile device and the second mobile device having generally a same hardware and

software configuration during shipping; maintaining on at least one server coupled to a network

configuration data for a plurality of mobile devices (See col. 2, lines 1-17); downloading first

configuration data and second configuration data, respectively, from the at least one server, said

first and second configuration data defining first and second end user specific operational

characteristics of the first and second mobile devices, respectively the first configuration data

and the second configuration data being generally different ; and automatically configuring

themselves based on the first configuration data and the second configuration data (See col. 6,

lines 1-40), wherein the mobile device is operable to maintain a communication link as the

mobile device roams between communication cells (See col. 3, lines 33-35). Furthermore,

Findikli et al inherently teaches wherein upon receipt of the first mobile device and the second

mobile device by the first end user and the second end user, respectively, powering up the first

mobile device and the second mobile device; and upon being powered up, the first mobile device

and the second mobile device each automatically connecting to the at least one server via the

network and wherein first and second configuration data defining first and second end user

specific operational characteristics of the first and second mobile devices, respectively.

     Beyda teaches a system and method for automatic mobile device activation.

Furthermore, Beyda teaches wherein the user switches the cellular telephone on, the local switch

detects the power on and also determines that the telephone is preactivated (See col. 3, lines 43-

45).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Beyda in the claimed invention of Findikli et al in order to determine whether the telephone is present in the activation database or the pre-activation database (See col. 4, lines 50-54). However, Findikli et al in view of Beyda fails to teach wherein first and second configuration data defining first and second end user specific operational characteristics of the first and second mobile devices, respectively.

Lipsit teaches wherein first and second configuration data defining first and second end user specific operational characteristics of the first and second mobile devices, respectively (See col. 4, lines 50-65, col. 8, lines 40-63).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Lipsit in the claimed invention of Findikli et al in order to provide automatic activation of a wireless device in a subscription activation system (See page 1, lines 57-59)

b.   As per claim 2, See claim 10 above.

c.   As per claim 3, Findikli et al teaches wherein the step of automatically connecting to the at least one server includes the steps of: transmitting to the server an identification code of the respective mobile device; and retrieving by the server configuration data based on the transmitted identification code (See col. 2, lines 60-67 and col. 3, lines 1-3).

d.   As per 7, Findikli et al teaches configuring the mobile device manually in the event of a

failure of the automatic configuration. (See col. 5, lines 37-39).

e.   As per claim 8, Findikli et al teaches wherein the step of configuring the mobile device

manually further comprises the steps of: creating encrypted data, wherein the encrypted data

includes an identifier, a time/date window, and configuration data; entering the encrypted data

into the mobile device; verifying that the identification code and the time/date window relative to

the particular mobile device; and using the configuration data to configure the mobile device,

wherein the configuration is conditioned upon the verification of the identifier and the time/date

window (See col. 2, lines 18-32, col. 4, lines 26-62 and col. 5-24).

f.   As per claim 30, Findikli et al teaches wherein the first mobile device and the second

mobile device include a number of predefined features, and wherein automatically configuring

the respective mobile devices includes configuring the first mobile device to enable access to a

first number of features of the predefined number of features, and configuring the second mobile

device to enable access to a second number of features of the predefined number of features,

wherein the first number is different from the second number (See col. 4, lines 26-40).

g.   As per claim 31, Findikli et al teaches wherein automatically configuring the mobile

devices includes enabling or disabling features of the mobile devices based on an intended or

actual user of the respective mobile devices (See col. 4, lines 26-40).

h.   As per claim 32, Findikli et al teaches wherein enabling or disabling features of the

mobile devices based on the intended or actual user includes enabling or disabling access to at

least one of stock on hand, wholesale prices, retail prices, quantity on hand, or delivery dates of

stock (See col. 4, lines 26-40).

5.   Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 6,529727 to Findikli in view of U.S. Patent No. 7,133695 to Beyda further in view of U.S.

Patent No. 5,956636 to Lipsit as applied to claims 1 above and further in view U.S. Patent No.

6,628934 to Rosenberg et al.

a.   As per claim 4, Findikli el al teaches the claimed invention as described above.

However, Findikli et al fails to teach wherein teaches a gateway for establishing remote

communications between each mobile device and the server.

        Rosenberg et al teaches wherein the mobile wireless device connects to a gateway (See

col. 6, lines 1-40)

        It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate the teaching of Rosenberg et al in the claimed invention of Findikli et al

in order to provide a link between the wireless network and the server (See col. 6).

b.   As per claim 5, Findikli el al teaches the claimed invention as described above.

However, Findikli et al fails to teach wherein the gateway is an internet connection.

Rosenberg et al teaches wherein the gateway is an internet connection (See col. 6, lines 1-40)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Rosenberg et al in the claimed invention of Findikli et al in order to provide a link between the wireless network and the server (See col. 6).

c.   As per claim 6, Findikli el al teaches the claimed invention as described above. However, Findikli et al fails to teach wherein the gateway is an intranet connection.

Rosenberg et al teaches wherein the gateway is an intranet connection (See col. 6)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Rosenberg et al in the claimed invention of Findikli et al in order to provide a link between the wireless network and the server (See col. 6).

6.   Claims 11-13 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,529727 to Findikli in view of U.S. Patent No. 5,956636 to Lipsit as applied to claims 9 and 14 above and further in view U.S. Patent No. 6,628934 to Rosenberg et al.

a.   As per claims 11, 12, 13, 21 and 22, See claims 4, 5 and 6 above.

6.   Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,529727 to Findikli further in view of U.S. Patent No. 5,956636 to Lipsit as applied to claim 14 above and further in view U.S. Patent Application No. 2005/0148367 to Natsumo.

a.   As per claim 17, Findikli el al teaches the claimed invention as described above.

However, Findikli et al fails to teach wherein the user input module is a bar code reader.

          Natsuno teaches a mobile communication terminal and card information reading device.

Furthermore, Natsuno teaches wherein the user input module is a bar code reader (See page 14,

paragraph [0313]).

          It would have been obvious to one with ordinary skill in the art at the time the invention

was made to incorporate wherein the user input module is a bar code reader as taught by Natsuno

into the claimed invention of Findikli in order for the transmitter receiver to exchange various

information with the CAFIS Network (See page 14, paragraph [0313]).

                                          Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

          A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

/D. M. B./
Examiner, Art Unit 2141

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144